




NEVADA COUNTY TRANSPORTATION COMMISSION

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MEMORANDUM

TO: The Nevada County Transportation Commission

FROM: Daniel B. Landon, Executive Director 

SUBJECT: Executive Director's Report for the July 20, 2011 Meeting

DATE: July 7, 2011

1. POTENTIAL CHANGES IN AIR QUALITY STANDARDS

As reported in the May Executive Director's Report, Northern Sierra Air Quality Management District (NSAQMD) staff, myself, and Supervisors Ed Scofield and Ted Owens met with the California Air Resources Board (CARB) staff on May 11th. The purpose of this meeting was to obtain additional information regarding forthcoming changes in ozone standards, implementation regulations, and possible boundary changes to nonattainment areas by the United States Environmental Protection Agency (U.S. EPA).

In our meeting on May 11th, CARB staff noted that they had sent a letter on February 4, 2011 to the U.S. EPA stating that EPA's proposed policies were inconsistent with California's approach to air quality planning, and requested that U.S. EPA reconsider their proposal. In short, the California Air Resources Board letter supported the position taken by NSAQMD on these issues. CARB staff also recommended that Nevada County representatives meet with U.S. EPA Region 9 staff in San Francisco to get informed on the details of the forthcoming U.S. EPA policies. On June 3rd, Gretchen Bennitt and Sam Longmire from NSAQMD and I held a telephone conference call with three staff members from U.S. EPA Region 9. In response to our questions regarding U.S. EPA's proposed direction related to nonattainment area boundaries for Nevada County, and the proposed changes in implementation policies, Region 9 staff indicated that they were waiting for direction from U.S. EPA Headquarters in Washington, D.C. Region 9 staff explained that once headquarters released guidance on the issues, Region 9 would be able to work with Nevada County to get our comments and recommendations passed back to headquarters. However, we determined that the best approach would be to proactively meet with U.S. EPA Headquarters staff prior to the drafting of the implementation policies and boundary guidance.

In order to maximize the efficiency and effectiveness of this proposed meeting, NSAQMD retained the services of an environmental consultant, John Dunlap, a former Chairman of the California Air Resources Board. Mr. Dunlap was able to secure a meeting with Janet McCabe, the Deputy Assistant Administrator of U.S. EPA's Office of Air and Radiation for the afternoon of June 30, 2011. He also was able to schedule meetings with staff of Congressman Wally Herger, Congressman Tom McClintock, Senator Barbara Boxer of California, and Senator James Inhofe of Oklahoma. Both

senators sit on the U.S. Senate Committee on Environment and Public Works. Meetings were scheduled between 10:30 a.m. and 4:00 p.m. on Thursday June 30th in Washington, D.C.

Supervisors Ed Scofield and Ted Owens accompanied by John Dunlap and myself flew to Washington, D.C. on June 29th in preparation for the meetings on the following day. We were armed with a very complete information packet provided by Gretchen Bennitt and Sam Longmire. One of the key informational items in that packet is attached to this report. In our meeting with Ms. McCabe, she indicated that their final policies and boundary guidance have not been drafted, that our meeting was timely, and that they would consider our comments and recommendations as they completed their work. In addition to leaving our information packet with Ms. McCabe, the attached follow-up letter was prepared and sent to reinforce our position on these issues.

The Nevada County contingency was well received by all the individuals we met with and we felt our trip was well worth the effort. We plan to continue to share information with our congressional delegation so they can ensure that we receive a timely response from the U.S. EPA. It is expected that implementation policies and guidance on potential boundary changes will be forthcoming in late July or early August.

2. NORTH STATE SUPER REGION

On June 7th six members of the California Transportation Commission held a Town Hall Meeting in Redding, California and received a presentation from representatives of the North State Super Region (NSSR). NSSR members shared information regarding how much of California's land area, plus state and federal highways, are included in the North State Super Region. Information regarding transportation and economic challenges of the North State was presented, with emphasis on the sixteen northern counties transitioning from resource-based economies. Specific challenges in the Northern State were identified that included recreation impacts on the rural infrastructure; the large number of road miles and bridges in relation to population; a high ratio of state and federally owned properties, which diminishes the county tax base; increased maintenance costs in mountainous terrain; and difficulty in competing for state and federal grants when "congestion" is the main focus.

In response to these challenges, it was noted that the NSSR is meeting quarterly to coordinate and share information. The NSSR is also developing a GIS platform to house data in a common format for all of the North State, and is coordinating rural blueprint planning efforts and best practices for project delivery among small agencies.

The next meeting of the NSSR will be held in Crescent City in August. One of the major topics of discussion will be a \$225,000 Regional Blueprint Program grant from Caltrans to conduct a North State transportation economic development study. The objective of the study is to expand the conventional transportation planning factors to include economic development. The project study area will include all sixteen North State counties. The study is intended to help transportation play a role in each county's efforts to create jobs and relieve economic hardships. Another objective of this study is to demonstrate some of the benefits of targeted investment where specific transportation improvements, coupled with other economic development initiatives, will help attract new business, and create more secure year-round employment.

Most regions program transportation funds based on a set of conventional criteria, such as congestion relief, accident reduction, pavement bridge preservation, and air quality improvement. Using these conventional criteria, a community with slow growth and roadways that are not seriously congested or are not dangerous has little or no access to state transportation funding. The study would evaluate

additional criteria that would expand conventional transportation programming practice by utilizing economic development as a programming criteria.

3. TINLOY STREET TRANSIT TRANSFER CENTER PROJECT

Bids have been received and evaluated for construction of the Transit Center. Action on awarding the bid is included on the Board of Supervisors July 12th agenda. Nevada County Department of Public Works staff is recommending a contract with Hansen Brothers Enterprises in the amount of \$757,888 (plus a 10% contingency). The Nevada County Public Works Department has rebid the construction of the restroom facility and bids will open on July 28th. It is likely a recommendation to award the contract for the restroom will be presented to the Board of Supervisors on August 16th.

attachments

CONSIDERATIONS FOR KEEPING WESTERN NEVADA COUNTY, CALIFORNIA A SEPARATE FEDERAL OZONE NONATTAINMENT AREA

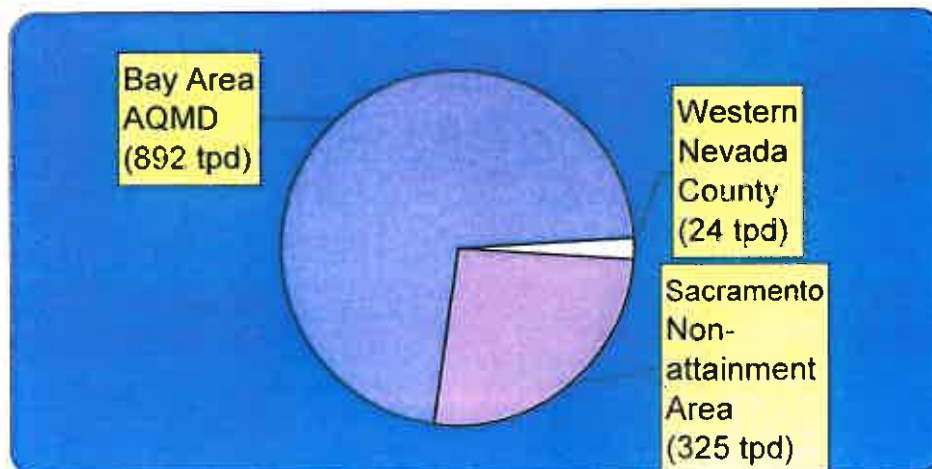
Nevada County respectfully requests that the current ozone nonattainment boundary for western Nevada County be maintained to assure reasonable controls on local businesses and expeditious attainment of the air quality standard.

BACKGROUND

Western Nevada County is a rural mountain community that is nonattainment for ozone due to overwhelming transport of ozone and its precursors from the upwind San Francisco and Sacramento valley regions. Western Nevada County is distinctly separate from the Sacramento area by geography, population density, degree of urbanization, traffic/commuting patterns, meteorology, elevation, ozone behavior and design concentrations. In fact, Western Nevada County can attain the standard at an earlier date than Sacramento.

EPA recently proposed changes to Reasonable Further Progress (RFP) requirements (75 FR 80420, 12/22/10) which would prevent nonattainment areas from including upwind reductions in progress demonstrations. EPA has also indicated that the agency is considering larger nonattainment areas, which could result in Nevada County being nested in the Sacramento nonattainment area, in spite of the profound differences between the two areas. This would result in a heavier regulatory burden on local businesses and residents in Nevada County, with negligible air quality benefit.

As depicted below, Nevada County's emissions are miniscule in comparison to the largely urban areas of San Francisco and Sacramento.



Ozone Precursor Emissions (Approximate Tons Per Day)

Nevada County's representatives met with the California Air Resources Board on May 11, and EPA Region 9 on June 3, to discuss RFP issues and boundary determinations for the 2010 ozone standard.

RECOMMENDATIONS

Recommendation #1: RFP requirements should provide for recognition of ozone transport by allowing upwind reductions to be counted toward RFP on a case-by-case basis (the California Air Resources Board concurs).

EPA has proposed changes to Reasonable Further Progress (RFP) requirements to prevent ozone nonattainment areas from including upwind reductions in progress demonstrations.

The entire landscape of non-attainment planning will be altered if the RFP changes are finalized as proposed. Since the emission inventory for western Nevada County (WNC) is small it would likely be impossible to demonstrate RFP based solely on reductions from within the nonattainment area. Many air districts throughout the nation would find themselves in a similar situation. The proposed changes would sever the Clean Air Act's intended connection between progressing toward attainment and reaching attainment.

Recommendation #2: The forthcoming guidance for establishing ozone nonattainment area boundaries should retain the Core Based Statistical Area (CBSA) presumptive boundary starting point, and the ability of an area to meet RFP should not be connected with boundary determinations.

Since the boundary guidance is expected just prior to the final RFP revisions, it is important that it not be written in such a way that it sets the stage for RFP to govern the boundary determination process.

SUMMARY

Western Nevada County's emissions are miniscule, and dominated by mobile sources. Western Nevada County should not be artificially and needlessly combined with vastly different Sacramento area. Requiring businesses in the rural community to adhere to the same requirements as the larger, urban area of Sacramento would provide negligible air quality benefits. In addition, new businesses could be deterred from opening in Nevada County to avoid unnecessary, burdensome requirements. **Required strategies should be proportional to an area's controllable emissions; this can only be achieved if western Nevada County remains a separate nonattainment area from upwind contributors with an appropriate classification.**

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

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July 6, 2011

Janet McCabe
Principal Deputy Assistant Administrator
Office of Air & Radiation
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Washington, DC 20460

Dear Ms. McCabe:

We want to thank you and your staff for taking time to meet with the delegation from Nevada County, California on June 30th. Your candor and insight were appreciated.

As follow-up to our meeting with you and our discussions with congressional offices, we wish to reiterate our position that upwind precursor reductions should be recognized in progress plans for transport-impacted areas. Additionally, we believe that the implementation rule for the ozone standard and boundary guidance should retain the Core Based Statistical Area (CBSA) presumptive starting point and that the ability of an area to meet RFP should not be connected with boundary determinations.

You noted that EPA is looking at ways to build rural area considerations into the process, but needs a legally defensible foundation. The CAPCOA letter (in the information packet for our meeting) is a good reference for this. The flexibility goal you cited along with the White House's Rural Council Goals and Objectives provide additional incentive for these outcomes.

In applying the interpretation of the RACT ruling to RFP, the crux is the phrase, "in the area." RFP and RACT are so different that differing interpretations of the meaning of the phrase are defensible. RACT is directly source-oriented. RFP, however, is a measurement of progress toward attainment, and applies to an undefined area. By pure logic, the area referred to for RFP has to be the area where emissions that result in violations of the standard occur. Western Nevada County attained the former 1-hour ozone NAAQS. However, with the change to an 8-hour time period in the 1997 NAAQS, the area fell into non-attainment because of transport. The nature of transported ozone is that 1-hour peaks are lower in downwind areas, but elevated concentrations persist for a longer duration due to atmospheric dispersion and mixing, coupled with the absence of NOx scavenging when the sun goes down.


The RFP provisions in the CAA were formulated under a 1-hour standard, with local emissions tied closely to attainment. However, since 8-hour maximum concentrations are more subject to the influence of upwind emissions it makes perfect sense to account for upwind reductions in progress demonstrations.

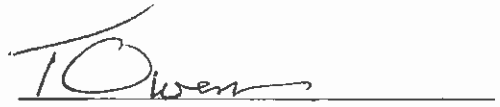
NSAQMD/NCTC:
Janet McCabe
July 6, 2011
Page 2 of 2

We greatly appreciated having OAQPS join the meeting, and found some comfort in Mr. Page's comment regarding nonattainment boundary determinations that, "We're not going to unnecessarily include areas that don't need to be included." We believe there is no value in nesting western Nevada County within the Sacramento Nonattainment Area.

We look forward to working with you and your team as EPA moves toward sensible and health-protective implementation of the ozone standard and related requirements for the mutual benefit of the Federal Government, California, and the people of Nevada County.

Most sincerely,


Edward Scofield
Chair, Nevada County Board of Supervisors
Northern Sierra Air Quality Board
Nevada County Transportation Commission


Ted Owens
Nevada County Board of Supervisors
Northern Sierra Air Quality Board

cc: Gretchen Bennett, ACPO Northern Sierra Air Quality Management District (NSAQMD)
Daniel Landon, Executive Director Nevada County Transportation Commission (NCTC)
John Dunlap, Environmental Consultant, NSAQMD and NCTC
